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CHAPTER 5

NATIONAL SECURITY POSITIONS

5-1 BASIC POLICY

1. National Security Positions include (1) those positions that involve activities of the Government that are concerned with the protection of the nation from foreign aggression or espionage, including development of defense plans or policies, intelligence or counterintelligence activities, and related activities concerned with the preservation of the military strength of the United States; and (2) positions that require regular use of, or access to, classified information.

2. Title 5 Code of Federal Regulations (CFR) 732.201 requires that positions identified as National Security Positions be assigned a position sensitivity level.

5-2 DESIGNATION OF SENSITIVE POSITIONS

1. A sensitive national security position is any position whose occupant could bring about, by virtue of the nature of the position, a material adverse effect on the national security. There are three sensitivity levels that apply to national security positions:

- | | |
|--------------------------------|--|
| a. Special-Sensitive (SS)* | Potential for inestimable impact and/or damage |
| b. Critical-Sensitive (CS) | Potential for exceptionally grave impact and/or damage |
| c. Noncritical-Sensitive (NCS) | Potential for serious impact and/or damage |

* Special Security Officer (SSO) Cognizance. Director of Central Intelligence Directive No. 1/14 (DCID 1/14), Personnel Security Standards and Procedures Government Eligibility for Access to Sensitive Compartmented Information (NOTAL) applies.

2. Commanding officers will designate each National Security Position in their command, henceforth referred to as "sensitive" positions, as either special-sensitive, critical-sensitive, or noncritical-sensitive.

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5-3 CRITERIA FOR DESIGNATING SENSITIVE POSITIONS

1. Office of Management and Budget (OMB) Circular A-130, December 12, 1985 (NOTAL) provides the criteria for determining Automated Information Systems (AIS) risk levels, and 5 CFR 732 contains the criteria for designating position sensitivity for federal civilian employees.

2. It is vital to the national security that great care be exercised in the selection of individuals to fill sensitive positions. Similarly, it is important that only positions which meet one or more of the criteria set forth below be designated as sensitive:

a. Special-Sensitive (SS): Any position which the head of the agency determines to be at a level higher than Critical Sensitive because of (1) the greater degree of damage to the national security that an individual could effect by virtue of his/her position, or (2) or special requirements concerning the position under authority other than E.O. 10450 (e.g., DCID 1/14).

b. Critical-Sensitive (CS): Any position which includes:

(1) Access to Top Secret national security information.

(2) Development or approval of plans, policies, or programs which affect the overall operations of the Department of the Navy (e.g., policy making or policy determining positions).

(3) Development or approval of war plans, plans or particulars of future major or special operations of war, or critical and extremely important items of war.

(4) Investigative and certain investigative support duties, the issuance of personnel security clearances or access authorizations, or the making of personnel security determinations.

(5) Fiduciary, public contact, or other duties demanding the highest degree of public trust.

(6) Category I AIS (High Risk) positions in which the incumbent is responsible for the planning, direction and implementation of a computer security program; has a major responsibility for direction, planning, and design of a computer system, including the hardware and software; or can access a system during the operation or maintenance in such a way, and with relatively high risk for causing grave damage or realizing

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(6) Category I AIS (High Risk) positions in which the incumbent is responsible for the planning, direction and implementation of a computer security program; has a major responsibility for direction, planning, and design of a computer system, including the hardware and software; or can access a system during the operation or maintenance in such a way, and with relatively high risk for causing grave damage or realizing

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significant personal gain.

(7) Any other position so designated by the Secretary of the Navy and/or his designee.

c. Noncritical-Sensitive (NCS): Any position which involves:

(1) Access to Secret or Confidential national security information.

(2) Assignment to duties involving the protection and safeguarding of DON personnel and property (e.g., security police, provost marshall).

(3) Duties involving education and orientation of DoD personnel.

(4) Duties involving the design, operation, or maintenance of intrusion detection systems deployed to safeguard DON personnel and property.

(5) Category II AIS (Moderate Risk) positions in which the incumbent is responsible for the direction, planning, design, operation or maintenance of a computer system, and whose work is technically reviewed by a higher authority at the Critical-Sensitive level to insure the integrity of the system.

(6) Any other position so designated by the Secretary of the Navy and/or his designee.

d. All other civilian positions in the DON are to be designated as non-sensitive, including category III AIS positions.

4. Commanding officers are responsible for ensuring that only those positions that meet the above criteria are designated as sensitive; and that the number of positions designated as sensitive is held to the minimum consistent with mission requirements.

5. The process of designating sensitive positions is best accomplished in coordination with the personnel program manager, the position supervisor or program manager, the security manager and the AIS manager for AIS risk determinations, as appropriate. The commanding officer may establish standard operating procedures (SOP) to discharge this responsibility.

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6. The command security manager will maintain a record of position designation decisions. The record will identify sensitivity level, the required investigation, and indicate as appropriate the level of access to classified information required and/or whether the position involves an AIS risk. The record will also list the criteria most predominately responsible for the sensitivity determination assigned. Access to classified information will normally be predominate. A recommended format is provided in exhibit 5A, or the command may develop their own unique record.

5-4 SUITABILITY DETERMINATION AUTHORITY

The Office of Personnel Management (OPM) is charged with establishing the program for investigating and adjudicating the suitability of Federal Government applicants for and appointees to the Federal civil service. OPM uses the US Investigative Service (USIS) to carry out its investigative mission. OPM has further delegated the authority to adjudicate suitability to heads of agencies.

5-5 SUITABILITY DETERMINATIONS

1. Suitability means "fitness" or eligibility for employment. Potentially disqualifying suitability factors may be found in Title 5 CFR 731. The focus of a suitability adjudication is whether the employment of an individual can reasonably be expected to promote the efficiency of the Federal Service. The focus of a security adjudication is whether the assignment or continued assignment of the individual in a sensitive position can reasonably be expected to be clearly consistent with the nation's security interests.

2. Personnel security investigations are conducted to gather information for two purposes; to meet OPM requirements for accomplishing employment suitability determinations and to satisfy requirements for security determinations.

3. The standards and requirements for personnel security investigations are contained in paragraph 6-4. Security determinations are made subsequent to favorable suitability adjudications. Suitability adjudications are based on standards and criteria established by OPM and contained in Title 5 CFR 731 and are a command responsibility. Security determinations are based on criteria found in this regulation and are in most cases the DON CAF responsibility.

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4. OPM forwards all completed investigations to the DON CAF. The DON CAF has been delegated the authority in the DON to make de facto suitability determinations only on investigations closed without actionable issues. In cases without issue, a favorable security determination equates to a favorable suitability determination. All other investigations must be adjudicated by the command for suitability before the DON CAF security determination can be made. The following procedures have been established to accomplish this requirement:

a. Investigations for non-sensitive positions are forwarded by the DON CAF to the command for the suitability determination. There is no adjudication action by the DON CAF.

b. Investigations for sensitive positions:

(1) When the OFI Form 79A, Report of Agency Adjudicative Action on OPM Personnel Investigations, indicates "No Actionable Issue," the investigation will not normally be returned to the requesting command. The DON CAF will favorably adjudicate the investigation, as appropriate, enter the favorable determination in the Navy Joint Adjudication and Clearance System (NJACS), and notify the command of the determination. The DON CAF will complete the OFI 79A and forward it to OPM-FIPC. A favorable security determination on a "No Actionable Issue" case will result in an automatic favorable suitability determination.

(2) When the OFI 79A indicates "Actionable Issues," the completed investigation, with the OPM Certification of Investigation and OFI 79A, will be forwarded to the requesting command for a suitability determination. If the requesting command makes a favorable suitability determination, it will be indicated in the applicable blocks on the OFI 79A and the entire package will be returned to the DON CAF to make a security determination. If the suitability determination made by the command is unfavorable, it remains a personnel action and no DON CAF action is required.

5-6 DETERMINING ELIGIBILITY TO OCCUPY A SENSITIVE POSITION

1. The determination of eligibility to occupy a sensitive position is made by the DON CAF based on the appropriate investigation using the criteria and procedures provided in paragraph 7-1. The same criteria and procedures are applied to both security clearance and sensitive position eligibility determinations. A determination by the DON CAF that an individual is not eligible for assignment to sensitive duties will also result in the removal of clearance eligibility whether

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or not the individual requires a clearance to perform sensitive duties. Conversely, a determination by the DON CAF that an individual is not eligible for access to classified information will also result in a determination of ineligibility to occupy a sensitive position.

2. Emergency Appointments. In cases where a command must hire an individual prior to completion of an investigation for suitability or security determination, emergency appointment procedures contained in paragraph 6-6.7 apply.

5-7 NON-US CITIZENS IN SENSITIVE POSITIONS

1. Under E.O. 11935, "Citizenship Requirements for Federal Employment", September 2, 1976, a non-U.S. citizen cannot be appointed to a civilian position in the Federal civil service without approval from the Office of Personnel Management (OPM). OPM's approval of employment is not to be construed as a personnel security determination, authorizing assignment to sensitive duties or access to classified information. If the position for which OPM's approval is sought is a sensitive position, CNO (N09N2) must first approve it to insure that assignment or access would not be prohibited or restricted. (For example, there would be no point in asking for OPM's approval of an immigrant alien for a position requiring a security clearance.)

2. Requests for CNO (N09N2) approval will include:

- a. The full identity of the individual;
- b. All compelling reasons for approving assignment to include special expertise;
- c. The type of duties to be performed, the type of sensitive information to be accessed, the date and type of investigation conducted when available, and if there is no completed investigation, the date the investigation was requested and a copy of the request forms; and the security measures in place to preclude the individual from having access to classified information.

3. All completed investigations conducted on non-U.S. citizens occupying sensitive positions will be forwarded to CNO (N09N2) to make the required sensitive position security adjudication.

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EXHIBIT 5A

DATE

MEMORANDUM FOR RECORD

SUBJ: DESIGNATION OF POSITION SENSITIVITY, SECURITY CLEARANCE
AND PERSONNEL SECURITY INVESTIGATIVE REQUIREMENTS

Ref: (a) SECNAVINST 5510.30A

1. Per reference (a), position sensitivity, security clearance level and personnel security investigative requirements are certified, as indicated, for the following position:

- a. Position Description Number: AC123
- b. Position Title: SUPERVISORY COMPUTER SPECIALIST
- c. Grade/series: GS-0334-15
- d. Position Sensitivity: Critical-sensitive
- e. Security Clearance Level: Top Secret
- f. Required Investigation: SSBI
- g. AIS Risk: AIS Category II, Moderate Risk

2. Position sensitivity is based on the criteria found in reference (a), paragraph (5-3).

XXXXXXXX

(Signature Block will include
the internal code of the
individual signing this
document)